

WASHINGTON COUNTY SHERIFF'S

DEPARTMENT

Body-Worn Cameras

Policy

I. BACKGROUND, SCOPE AND PURPOSE

A. Body-worn cameras are an effective law enforcement tool that can reduce violent confrontations and complaints against deputies. Body-worn cameras provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust.

B. This policy is intended to provide deputies with instructions on when and how to use body-worn cameras.

C. The Department has adopted the use of body-worn cameras to accomplish several objectives, including:

1. Body-worn cameras allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of deputy reports and testimony.

2. Audio and video recordings enhance the Department's ability to review probable cause for arrest, deputy and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for deputy evaluation and training.

3. Body-worn cameras may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

D. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing recordings must also be cautious before conclusions are reached about what the recordings show.

II. OVERVIEW

A. The body-worn cameras should be utilized to (1) collect evidence that can be used in the prosecution of criminal offenses, (2) record contacts with the public in order to secure

- E. Deputies assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with their Department duties. If used for this purpose, the deputy shall download all DME during their next regularly assigned on-duty shift.

VI. OPERATION OF BODY-WORN CAMERAS

- A. Except as otherwise provided in this policy, deputies shall activate body-worn cameras to record all contacts with citizens in the performance of official duties.
- B. Unless the interaction with a citizen is in an undercover assignment, wherever possible deputies should inform individuals that they are being recorded. Deputies have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary. However, officers should but may evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded, as well as the deputy's response.
- C. Deactivation of the body-worn camera shall occur when:
1. The event has concluded;
 2. Victim and/or witness contact has concluded;
 3. All persons stopped have been released;
 4. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the deputy transporting the arrestee to the detention facility shall keep the deputy's body-worn camera activated until custody of the individual is transferred to the detention facility.
- D. If a deputy fails to activate a body-worn camera, or fails to record the entire contact, the deputy shall document the reasons for doing so.
- E. Non-Department personnel shall not be allowed to review the recordings unless pursuant to written consent of the sheriff.
- F. Deputies shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the deputy is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.).
- G. Deputies shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the sheriff or the sheriff's designee.
- H. Deputies shall be allowed to review the recordings from their deputy-worn body cameras at any time. To help ensure accuracy and consistency, deputies are encouraged to review recording prior to preparing reports. If the deputy is giving a formal statement about the

use of force or if the officer is the subject of a disciplinary investigation, the deputy shall (1) have the option of reviewing the recordings in the presence of the deputy's attorney or labor representative; and (2) have the right to review recordings from other body-worn cameras capturing the deputy's image or voice during the underlying incident.

I. Body-worn cameras shall not be used to record:

1. Communications with other department personnel.
2. Encounters with undercover deputies or informants.
3. When a deputy is on break or is otherwise engaged in personal activities.
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.
5. When a deputy would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.
6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

VII. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE

A. All files or DME from body-worn cameras shall be securely downloaded no later than the end of the deputy's shift. Each file shall contain information related to the date, body-worn camera identifier, and assigned officer. DME captured via body-worn camera shall only be downloaded or uploaded to Sheriff's Department approved storage.

B. All files from body-worn cameras shall be securely stored in accordance with state records retention laws and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation, or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency.

C. It is not the intent of the Department to review DME for the purpose of general performance review, for routine preparation of performance reports or evaluation, or to discover policy violations. Supervisors and internal affairs personnel may access DME for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of DME should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.

D. Requests for deletion of portions of a recording from a body-worn camera (e.g., in the event of a privileged or personal recording) must be submitted in writing to the sheriff in accordance with state records retention laws.

E. Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Sheriff. Deputies shall be provided with at least thirty days' notice if recordings intended for use for training purposes were either made by them or captured their image or voice.

F. Deputies or other personnel shall not make copies of any body-worn cameras for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record body-worn camera DME.

VIII. RETENTION AND DESTRUCTION OF DIGITAL MULTIMEDIA EVIDENCE

A. The retention and destruction of DME shall be pursuant to state public records retention laws.

B. All stored DME is subject to release in accordance with the state public records retention laws. The Sheriff or his designee shall be provided with at least one week's notice of any public requests made to review DME from their body-worn cameras.